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RECEIVED

MAR 31 1997

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March 27, 1997

Federal Communication Commission
Office of the Secretary
1919 M Street, N.W.
Washington, D.C. 20554

Re: Petition for Declaratory Ruling
Docket No. 96-83
Petitioner: Joseph M. Snodgrass

Dear Sir or Madam:

Please be advised that our firm represents Wyckford Mews Condominium Association, the respondent in the above matter. I have received a Petition for Declaratory Ruling filed on Mr. Snodgrass' behalf by Christopher G. Kokiko, Esquire. I am enclosing a copy of the Petition, dated March 25, 1997, for your review. The purpose of the instant reply is to alert you to the salient facts left out of Mr. Kokiko's Petition.

Mr. Snodgrass is the equitable owner, along with his wife, of the condominium located at 410 Mews Drive. It is my understanding Mr. Mychal Massie is the present tenant in that unit. The Rules and Regulations of the Condominium Association expressly prohibit any exterior alterations which, either alter the physical structure, or, exterior appearance of the dwelling unit. This prohibition includes any exterior antennae or satellite dish. I am enclosing page 3 of the Association's Rules and Regulations, number 28 Exterior Alterations, for your review.

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As is commonly understood from the general definition of a Condominium Association, the purpose of Rules and Regulations is to keep all units uniform, aesthetically pleasing and safe. This maintains property values and makes the community a pleasant place to live. Additionally, units must conform with all declarations to maintain applicable liability insurance and insurance coverage for all the dwelling units. When Mr. Snodgrass purchased the unit in question, all applicable restrictions and/or covenants were agreed to by him and he is bound to abide by all the Rules and Regulations promulgated by the Association enforcing the same.

What is most disturbing about Mr. Snodgrass' Petition, is Mr. Snodgrass' failure to disclose that he does not own the exterior walls of his unit and in fact, the exterior walls are part of the common property of the Association. The Telecommunications Act of 1996 expressly excludes any situation where a viewer wishes to place an antennae or dish on property owned by a landlord or on common property controlled by a Condominium or Homeowners Association. Accordingly, Mr. Snodgrass' Petition should be dismissed.

I also must take issue with Mr. Snodgrass' use of verbal semantics in describing the "retractable" nature of the dish as well as the apparent "indoor" installation of the satellite base. Regardless of whether the dish is retractable or not, any time that the dish protrudes from the window ledge beyond the interior of the unit violates Rule number 28. Clearly, Mr. Snodgrass is attempting to undermine the spirit and intent of the Rule. One can only imagine the appearance of the community if all the residents, which number over 200, decided to hang things out their window on the grounds that it is only a temporary violation. As the dish itself is placed through the pane of the window and breaks the plane separating the common area of the Condominium from the unit interior, Mr. Snodgrass' arguments are specious and attenuated at best.

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Thank you for your anticipated consideration of the above matter. Do not hesitate to contact the undersigned should you have any additional questions regarding the above.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Albert A. Citro, III', with a stylized flourish at the end.

Albert A. Citro, III

AAC/cab

Enclosures

cc: Wyckford Mews Executive Board
Christopher G. Kokiko, Esquire

MAR 26 1997

CHRISTOPHER G. KOKIKO

ATTORNEY AT LAW

MEMBER OF PA AND NJ BARS

BROAD AND MAIN STREETS
P. O. BOX 431
QUAKERTOWN, PA 18951

PHONE: (215) 536-4516
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March 25, 1997

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FCC MAIL ROOM

Federal Communication Commission
Office of the Secretary
1919 M Street, N.W.
Washington, DC 20554

Re: Petition for Declaratory Ruling
Docket No. 96-83
Petitioner: Joseph M. Snodgrass

To Whom it May Concern:

I have been retained by Mr. Joseph M. Snodgrass and his tenant, Mr. Mychal Massie, in a matter involving an installed DBS Satellite Dish in a condominium development.

The particulars are as follows:

Mr. Joseph M. Snodgrass is the owner of a condominium located at 410 Mews Drive, Sellersville, PA 18960. Mr. Snodgrass actually resides at 1762 Everly Way, Quakertown, PA 18951 and has leased the aforementioned condominium to Mr. Mychal Massie. Mr. Snodgrass has installed a DBS Satellite Dish in such a way that the actual installation fastening is entirely within the confines of the inside of the condominium. Specifically, Mr. Snodgrass has installed the base of the satellite dish on a 18" board which when in place extends approximately 10" beyond the plane of the window. It is entirely retractable. Objections have been raised by the condominium association regarding the presence of this DBS Satellite Dish when lowered into its operating position. It should be noted that the objections have not related to any legitimate safety restrictions nor has there been a declaration that this area is eligible under the National Registry of Historic Places. Again, we wish to emphasize that the actual fastening hardware which holds the DBS Satellite Dish in place remains inside the confines of the condominium and the fastening device does not protrude outside the plane of the window, nor does it touch or rest upon any portion of the common area of the condominium.

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Mr. Snodgrass is seeking a declaratory ruling that will substantiate his right to utilize this DBS Satellite Dish in its present configuration. Please review this matter at your earliest opportunity and provide us with a declaratory ruling.

Please note that I have supplied an original and four (4) copies of this Petition for your review. Thank you very much for the time and effort involved in this Petition.

Also enclosed please find Affidavits of Service which indicate that all interested parties were served with copies of this Petition.

If you have any questions or require any additional information please do not hesitate to contact my offices.

Very truly yours,



Christopher G. Kokiko

CGK:dae

cc: Mr. Mychal Massie
Mr. Joseph M. Snodgrass
Mr. L. Scott Payne, President, Wyckford Mews Condo.Assoc.
Ms. Marie Williams - Continental Property Management
Mr. Al Citro, Esquire

AFFIDAVIT OF SERVICE

I, Christopher G. Kokiko, Esquire, verify and state that I have served a Petition for Declaratory Ruling with the Federal Communications Commission on behalf of Mr. Joseph M. Snodgrass to the following individuals by regular mail:

- 1) Mychal Massie
P.O. Box 31, Zion Hill, PA 18981
- 2) L. Scott Payne, President, Wyckford Mews Condominium
Association
- 3) Marie Williams, Continental Property Management
975 Easton Road, Suite 202, Warrington, PA 18976
- 4) Albert Citro, Esquire
Masterson, Braunfeld, Maguire and Brown
1 Montgomery Plaza, Suite 702
Norristown, PA 19401



Christopher G. Kokiko, Esquire
Broad and Main Streets
P.O. Box 431
Quakertown, PA 18951
(215) 536-4516

WYCKFORD MEWS CONDOMINIUM ASSOCIATION
RULES & REGULATIONS
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PETS

19. No animals of any kind shall be kept or bred in any unit except one (1) domesticated dog or one (1) domesticated house cat.
20. When outside, pets must be attended by a responsible person at all times. Pets are not permitted to run loose or uncontrolled on the Common Elements.
21. Pet owners are responsible for the immediate clean-up of any waste left by pets on the Common Elements or any other part of the property. Immediate means prompt removal. Daily or weekly clean-ups are not acceptable.
22. Pets are not to be tethered to any part of a unit, tree or any other part of the Common or Limited Common Elements or to a stake placed in the common area.
23. Pets are not permitted to disturb other residents or guests at any time.
24. Pet owners are responsible for any property damage, injury or disturbance caused by their pets.
25. The Executive Board reserves the right to direct the removal of any pet if it proves to be a danger or nuisance to the community.
26. Nothing in the aforesaid rules shall be read to prohibit the use of licensed seeing eye dogs.

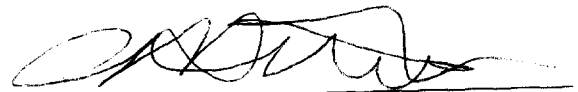
ADDITIONS OR ALTERATIONS

27. Interior Alterations - No unit owner may make or permit any addition, alteration or improvement in or to their unit which would adversely affect the structural integrity of the unit/building without the prior written approval of the Executive Board. A contractor's certificate of insurance is required for any work performed.
28. Exterior Alterations - Nothing shall be built, caused to be built or done in or to any dwelling unit which would alter or cause any alteration to the Common Elements of the Condominium or the exterior appearance of the dwelling unit, including and without limitation to, exterior antennae, clotheslines, and attic fans.
29. Storm Doors - Allowed, provided they are 100% "white" in color and "full-view" in style. Full view meaning that they have a bottom kick-plate no higher than 12" from the ground. No designs are permitted on either the doors or the kick-plates.

AFFIDAVIT OF SERVICE

I, Albert A. Citro, III, Esquire, verify and state that I have served the Response to the Petition for Declaratory Ruling with the Federal Communications Commission on behalf of Wyckford Mews Condominium Association to the following by fax and first class mail:

Christopher G. Kokiko, Esquire
Broad and Main Streets
P.O. Box 431
Quakertown, PA 18951



Albert A. Citro, III, Esquire